

HOUSE BILL REPORT

SSB 5207

As Passed House:

April 5, 2005

Title: An act relating to liability limitations for providing pilotage services.

Brief Description: Limiting liability of ports providing pilots.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Doumit, Hargrove and Sheldon).

Brief History:

Committee Activity:

Transportation: 3/22/05, 3/23/05 [DP].

Floor Activity:

Passed House: 4/5/05, 94-1.

Brief Summary of Substitute Bill

- Expands the liability protection available to marine pilots to include any countywide port district authorized to provide pilotage services and located in part or in whole within the Grays Harbor pilotage district.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 20 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck, Campbell, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Schindler, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: Beth Redfield (786-7347).

Background:

Under current law, a marine pilot licensed by Washington is immune from liability for damages in excess of \$5,000 for damages or loss due to the pilot's errors, omissions, fault, or neglect in the performance of his or her pilotage services. However, the liability protection does not apply if the pilot engages in wilful misconduct or gross negligence.

In 2001, the Port of Grays Harbor (Port) was permitted to provide pilotage services. To provide those services the Port employs a licensed pilot.

Summary of Bill:

The liability protection available to marine pilots is expanded to include any countywide port district located in part or in whole within the Grays Harbor pilotage district authorized to provide pilotage services. Such port districts are immune from liability for damages in excess of \$5,000 for damages or loss due to a pilot's errors, omissions, fault, or neglect in the performance of his or her pilotage services. However, the liability protection does not apply if the pilot engages in willful misconduct or gross negligence.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The Port of Grays Harbor (Port) is in a unique situation in providing pilotage services. Marine pilots go out into the ocean and bring vessels into the port to receive and discharge cargo. Individual pilots have limited liability. However, as an employer, the Port doesn't enjoy the same protection, under statute or case law. The Port has tried to find insurance and has been denied. The bill is necessary for continuing safe and uninterrupted pilotage services in Grays Harbor. In 2001, the local pilotage district was on the brink of bankruptcy, so the Port took on the responsibility. Vessel calls had dropped precipitously in Grays Harbor, and the level of compensation wasn't there, so to be able to retain and attract a pilot, the port provides a guaranteed salary.

Testimony Against: None.

Persons Testifying: Gary Nelson, Port of Grays Harbor; and Charles M. Davis, Washington Board of Pilotage Commissioners.

Persons Signed In To Testify But Not Testifying: None.